

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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UNITED STATES OF AMERICA	:	CASE NO. 1:05 CR 525
	:	
Plaintiff	:	
	:	
-VS-	:	
	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
GARY WALLER	:	<u>AND JUDGMENT AND NOTICE OF</u>
	:	<u>HEARING</u>
Defendant	:	
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Gary Waller which was referred to the Magistrate Judge with the consent of the parties.

On 26 October 2005, the government filed a three-count indictment against Gary Waller for making false statements in the acquisition of firearms and aiding and abetting in violation of 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 2. On 3 November 2005, a hearing was held in which Gary Waller entered a plea of not guilty before Magistrate Judge Patricia A. Hemann. On 6 January 2006, Magistrate Judge McHargh received Gary Waller's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Gary Waller is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Gary Waller is adjudged guilty of Counts One, Two and Three in violation of 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 2.

Sentencing will be:

4 April 2006 at 2:00 p.m.

**Courtroom 18-A
18th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 16 February 2006